

Misbranding was alleged in substance for the reason that the cartons containing the article bore the statement on the label thereof, "Lemon Flavor Pie Filling," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On May 22, 1922, the Jewel Tea Co., Inc., having entered an appearance as claimant for the property, judgment was entered finding the product to be misbranded but not adulterated, and it was ordered by the court that the said product be released to the said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department, and that the case be dismissed at the costs of the claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10489. Adulteration and misbranding of canned red kidney beans. U. S. \* \* \* v. 40 Cases \* \* \* of Red Kidney Beans \* \* \*. Consent decree providing for release of the product under bond. (F. & D. No. 12163. I. S. No. 8558-r. S. No. C-1724.)**

On February 16, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 cases of red kidney beans, remaining unsold in the original unbroken packages at Champaign, Ill., consigned by the Central States Canning Co., Indianapolis, Ind., alleging that the article had been shipped on or about November 23, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Central States Brand Red Kidney Beans \* \* \* Central States Canning Co., Indianapolis, Ind. \* \* \*"

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged for the reason that the statement on the cases and cans containing the article, "Red Kidney Beans," together with the design of a dish containing large red beans, was false and misleading and deceived and misled the purchaser, since long cranberry beans had been mixed and packed with, and substituted wholly or in part for, red kidney beans. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On August 30, 1921, the Central States Canning Co., Indianapolis, Ind., claimant, having admitted the allegations of the libel, having consented to a decree, and having expressed a willingness to eliminate the words "Red Kidney" and label the product "Naga Uzura Beans," judgment of the court was entered finding that the product had been unlawfully shipped in interstate commerce and that it was improperly and unlawfully labeled, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the words "Red Kidney" be not used on the labels of the said product.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10490. Misbranding of Abbott Bros. compound for rheumatism. U. S. \* \* \* v. 2½ Dozen Bottles of Abbott Bros. Compound for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16318. Inv. No. 39380. S. No. E-3867.)**

On or about May 16, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2½ dozen bottles of Abbott Bros. compound for rheumatism, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Abbott Bros. Co., Berwyn, Ill., alleging that the article had been shipped from Berwyn, Ill., on or about April 26, 1920, and transported from the State of Illinois into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.